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**From:** Saunders, Della (DPH) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MASSMAIL-01/CN=RECIPIENTS/CN=DELLA.SAUNDERS]  
**Sent:** 12/11/2009 1:53:14 PM  
**To:** Khan, Annie (DPH) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MASSMAIL-01/CN=RECIPIENTS/CN=Annie.Khan]  
**CC:** Salemi, Charles (DPH) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MASSMAIL-01/CN=RECIPIENTS/CN=Charles.Salemi]  
**Subject:** FW: Thanks for playing at Taunton . . .  
**Attachments:** Comm v [REDACTED].pdf; Comm v [REDACTED].pdf; Comm v [REDACTED].pdf

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**From:** Fregault, Garrett (BRI)  
**Sent:** Friday, December 11, 2009 8:31 AM  
**To:** Saunders, Della (DPH)  
**Subject:** RE: Thanks for playing at Taunton . . .

Della,

Here are the three cases. The cases are appeals from convictions in which one of the challenges concerned the use of representative sampling to determine weight and composition. The court does not actually use the words "representative sampling" but what is described is clearly representative sampling. In all three cases the court had no problem accepting the use of sampling and pretty much dismissed the defendant's challenge on that issue out of hand.

I hope you find these interesting.

Garrett

**From:** Saunders, Della (DPH)  
**Sent:** Thursday, December 10, 2009 2:20 PM  
**To:** Fregault, Garrett (BRI)  
**Subject:** RE: Thanks for playing at Taunton . . .

Hi Garrett,  
I would appreciate it if you could send copies of the cases you are referring to. If you need to mail them the address is:

Della Saunders  
William A. Hinton State Laboratory Institute  
305 South Street Room 363  
Jamaica Plain, MA. 02130

Thanks

Della

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**From:** Fregault, Garrett (BRI)  
**Sent:** Thursday, December 10, 2009 12:58 PM  
**To:** Saunders, Della (DPH)  
**Subject:** RE: Thanks for playing at Taunton . . .

Actually, it is a couple of cases that have upheld the use of representative sampling. I filed a motion to have the judge tell the jury that representative sampling was an approved method of analysis, but he wouldn't do it. I can send you copies of the cases if you are interested. Let me know.

G

**From:** Saunders, Della (DPH)  
**Sent:** Thursday, December 10, 2009 12:40 PM  
**To:** Fregault, Garrett (BRI)  
**Subject:** RE: Thanks for playing at Taunton . . .

Thanks for the update Garrett. You mentioned a statute that stated that representative sampling was allowable under the law. Can you send me a copy?

You're the best

Della

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**From:** Fregault, Garrett (BRI)  
**Sent:** Thursday, December 10, 2009 8:43 AM  
**To:** Saunders, Della (DPH); Khan, Annie (DPH)  
**Subject:** Thanks for playing at Taunton . . .

The defendant was convicted and he received 12 years to state prison. The defense attorney argued that representative sampling was a short cut taken by the lab and that the results were no reliable. I was able to convince the jury that such an argument is hogwash.

Thanks for coming down despite your crazy schedules.

Garrett